

*RESOLUTION NO. 85-100

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, URGING ALL CONGRESSMEN AND SENATORS FROM THE STATE OF FLORIDA, TO AMEND THE CABLE COMMUNICATIONS POLICY ACT OF 1984 TO RESERVE THAT PORTION OF THE ACT WHICH PROVIDES FOR AUTOMATIC RATE INCREASES FOR CABLE TELEVISION AND PROVIDE THAT RATES MAY ONLY BE INCREASED AFTER PUBLIC HEARINGS ARE CONDUCTED.

WHEREAS, cable television has become increasingly popular with the residents of the City of Hialeah, Florida; many of whom are on fixed receivers; and

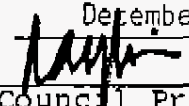
WHEREAS, automatic increases in rates could prove prohibitive to many of our residents; and

WHEREAS, cablevision companies should be required to show a need and necessity for increasing their rates.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, that:

1. All Florida Congressmen and Senators should attempt to amend that portion of the Cable Communications Policy Act of 1984 which provides automatic rate increases by cablevision companies to provide for rate increases only after a public hearing and a public showing by the cablevision company that there is a need and necessity for such increase in rates.


PASSED and ADOPTED this 10th day of December, 1985.


Council President

ATTEST:


City Clerk

APPROVED:


Mayor

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY
(RESOS/05-CABLE/INCRS)


Law Department

RESOLUTON was adopted by a unanimous vote with Councilmen Cardoso, Dorrego, Echevarria, J. Martinez, Mejides, Nunez and Robinson voting "Yes".

ORDINANCE NO. 2466

AN ORDINANCE AUTHORIZING THE GRANTING OF NON-EXCLUSIVE RIGHTS, PRIVILEGES, AND PERMITS TO CONSTRUCT, MAINTAIN AND OPERATE COMMUNITY ANTENNA TELEVISION SYSTEMS WITHIN THE INCORPORATED LIMITS OF THE CITY OF HIALEAH; PROVIDING FOR THE PERIOD OF SAID PERMITS AND EXTENSIONS THEREOF; PROVIDING FOR FEES, SERVICE CHARGES AND LEVELS OF SERVICE THEREFOR, PRESCRIBING CONDITIONS AND PROVISIONS RELATING THERETO, PROVIDING FOR INCLUSION IN THE CODE, AND PROVIDING FOR EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH

Section 1. INTENT

It shall be the intent of this ordinance to provide for the control of Community Antenna Television Service in the City of Hialeah, provide for its safe and orderly installation, and to establish fees and service charges for its use, and to establish a system of licensing, inspection and charges, by the City of Hialeah.

Section 2. DEFINITIONS

(a) "CATV" shall mean Community Antenna Television System and shall be deemed to include all transmission and distribution facilities located in, over, along, across or upon any highway, street, alley, right of way, easement, or any other public property.

(b) "City" shall mean Hialeah, a Municipality existing under the Laws of the State of Florida.

(c) "License" shall mean the license granted to the applicant for permission to install and operate CATV systems in the City of Hialeah.

(d) "Permit" shall mean that permit required by City of Hialeah for the installation of CATV.

(e) "Distribution System" shall be the main transmission cable leading from the principal antenna or antennas and placed on poles or underground in public rights-of-way.

(f) "Lead-in" shall be the individual lead wire or cable from the distribution system to each individual household or connection.

(g) "Licensee" shall be the corporation, partnership, individual or other entity granted a license for CATV by the City of Hialeah.

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Section 3. PERMIT REQUIRED

A permit may be issued to a corporation, partnership, individual or any other entity (hereinafter referred to as "the Licensee"), its successors and assigns, granting the nonexclusive right, privilege and permit for a period of ten years at the expiration of which the Licensee shall have the right, at its option, to renew this permit for additional periods of ten years' duration, to install, maintain and operate transmission and distribution facilities and additions thereto in, under, over, along, across and upon the present and future highways, streets, alleys, rights of way, easements and public property in the City of Hialeah, for the purpose of transmission and distribution by cable of television signals only (which shall mean a system for simultaneous transmissions of audio and video signals by means of electrical impulses) for sale to inhabitants of said City.

If the Licensee exercises its first option, it shall have an option to renew this permit for an additional period of ten years' duration, providing, however, that if the license fee paid by the Licensee varies from that paid by similar licensees operating anywhere in Dade County, Florida, that the City, or the Licensee, may at their option, have the license fee for the second ten year period fixed by arbitration as may be provided by law. All other terms and conditions of the license shall remain the same as in the original ten year period and in the first option period.

At the termination of the second option period, the City shall have the option to purchase the property used in connection with the non-exclusive franchise or such part of such property as the City may desire at a valuation which shall be fixed by arbitration as may be provided by law.

Section 4. APPLICATION PROCEDURE; INFORMATION REQUIRED

(a) Any person, corporation or other entity desiring to install or operate CATV facilities within the City of Hialeah, to include City-maintained arterial streets in municipalities, shall first make application to and obtain from the City of Hialeah a license for the installation and operation of the CATV in the City.

(b) Application for the licensing of CATV shall be on the forms provided by the City of Hialeah, which shall contain or be accompanied by the

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following information:

1. Name, address and telephone number of applicant.
2. Names of all officers and directors of corporate applicant.
3. Copy of contract to be utilized for individual customer, which shall include all fees, charges, rentals, etc.
4. Estimated date installation of main distribution system will be commenced.
5. Locations of antennae and transmitter.
6. Certificate of Liability Insurance Coverage in the minimum amounts specified by this ordinance.
7. Performance bond as required by Section 13 (e) of this ordinance.

(c) The application shall be accompanied by a fee of Twenty-five (\$25.00) Dollars to cover the cost of processing.

*Amended
Ord # 2661*

Section 5. LICENSE FEE AND PUBLIC PROPERTY CHARGE

The Licensee shall pay to the City of Hialeah the sum of Ten Thousand (\$10,000.00) Dollars per year; or, an amount, which when added to all other taxes, licenses, fees, or impositions levied or imposed by the City upon the Company or its property, equals six (6%) per cent of the Gross receipts from CATV reception and advertising sales, whichever sum is larger, said charge to be paid for the license granted and for the use of public property and rights of way within which the Licensee's distribution system shall be placed.

Section 6. SERVICE CHARGES

The rates charged by the License for CATV service shall not exceed those listed below. No increase in established rates shall become effective prior to approval by the City Council of the City of Hialeah after public hearing during a regularly scheduled meeting pursuant to public notice published not less than twenty (20) days or more than thirty (30) days prior to such hearing. The Licensee may at any time reduce the established rates.

Initial installation fee	\$ 15.00
Lead-in length 100 feet or less	
Additional lead-in length per foot	.15

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Monthly service charge	5.50
Single residential or other unit	
Each additional unit or outlet for transient or seasonal occupancy	2.75
Each additional unit or outlet for permanent occupancy	5.50

Section 7.

NUMBER OF CHANNELS, CHANNEL RESERVATION

(a) The Licensee shall install and maintain transmission and distribution equipment capable of transmitting to individual subscribers not less than six channels.

(b) The Licensee shall reserve one of its channels for educational television programs.

(c) The Licensee shall agree to provide CATV service without charge to public schools except the initial installation fee.

(d) The Licensee shall provide without charge, subject to the rules and regulations of the Federal Communications Commission, public emergency broadcast capabilities whereby the City can interrupt service on all channels in order to make such public emergency broadcast.

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Section 8. PROHIBITION OF CERTAIN ACTIVITIES

The licensee shall not engage in the following activities without prior approval of the City:

- (a) Sale or service of television sets.
- (b) Recommendations, by licensee or his employees, of specific television appliance dealers or servicemen for sales or service.
- (c) Pay TV.

Section 9. MINIMUM RECEPTION STANDARDS

The licensee shall establish and guarantee minimum technical reception standards at the terminals of each television set serviced, said standards to be approved by the City. The following minimum technical reception standards are herewith established:

- (a) The licensee shall maintain and operate the system and render efficient service in accordance with the rules and regulations established or to be established by the City, provided, however, the licensee shall operate the system so that there will be no interference with television reception, radio reception, telephone communication, or other installations which are now or may hereafter be installed and in use by the City or any person in the City.
- (b) The licensee shall carry all signals of every television station where the community antenna television system tower or towers and antenna equipment are located within the Federal Communication Commission approved predicted Grade B contour line of that television station. The television signals at no time shall be altered, interrupted, or blacked out in any way by the licensee, except as required by the Federal Communication Commission.
- (c) The licensee shall provide and maintain at all times:
 - (1) All-band equipment, capable of passing the entire VHF television and FM radio spectrum.
 - (2) Equipment that passes standard color television signals without degradation and with no phase shift and no effect on color fidelity and intelligence.
 - (3) A minimum level of 1,500 microvolts at the input terminals of each TV receiver on the line.
 - (4) A system and all equipment designed and rated for 24-hour a day continuous operation.
 - (5) A signal-to-noise ratio of not less than forty-six decibels.

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(6) A television signal with a hum modulation less than three percent.

(7) Components having voltage standing wave ratio of 1/4 or less.

(8) A inter-modulation distortion not to exceed minus forty-six decibels.

(9) A plot of gain versus frequency across any six megacycle channel of a flat plus or minus one decibel.

(d) The licensee shall provide and keep accurately calibrated test equipment on hand in the city at all times for the testing of all service and operational standards outlined herein and shall conduct tests as requested by the City under the supervision of a City representative in order to establish the level of performance of the system.

(e) The licensee shall provide a local service channel in addition to the six channels required by Section 7 herein. The local service channel shall provide local weather information and time with continuous FM background music. Further use for public service, civic organizations, and charitable causes is also hereby authorized.

(f) The licensee shall render efficient service, make repairs promptly, and interrupt service only for good cause and for the shortest time possible. Such interruptions in so far as possible shall be preceded by notice and shall occur during periods for minimum use of the system.

(g) The licensee shall maintain an office in the city which shall be open during all usual business hours, have a listed telephone, and be so operated that complaints and requests for repairs or adjustments may be received at any time.

Section 10. INSTALLATION OF DISTRIBUTION SYSTEM

(a) The entire distribution system of the licensee, including poles, wires, posts, cables, appurtenances and facilities, shall be located or relocated and so erected as not to interfere with travel over, in, on or under any public way and with reasonable ingress and egress to abutting property. All installations shall be in accordance with City standards and specifications and under permit issued by the Public Works Department of the City of Hialeah. The construction, operation and maintenance of the system by the licensee shall be in accord with good engineering practices and shall be in full compliance with the National Electric Code and applicable laws, regulations and ordinances and as from time to time such are amended and revised.

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The Licensee, however, must obtain special permission from the City for the installation of any new poles or overhead structures and shall use existing poles and underground conduits where available

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(b) When any portion of any public way within the city is required to be excavated for purpose of installing any portion of the licensee's distribution system or lead-in system, such excavation shall be at the expense of the licensee and under inspection by the City. Repair and replacement of the property so excavated shall not be restricted to the actual trench, ditch or path excavated but shall include any and all portions of the public way disturbed, including pavement, curbing, sidewalks, drainage facilities, swales, parkways, and grassed areas, and shall conform to the standards prescribed by the manual of public works construction.

(c) The conditions on street occupancy shall be as follows:

1. All transmissions and distribution structures, poles, fixtures, lines, and equipment erected by the licensee within the City shall be so located as to cause minimum interference with the proper use of streets, alleys, and other public ways and places, and to cause minimum interference with the rights and reasonable convenience of property owners who may join any of the said streets, alleys or other public ways and places. All facilities shall be placed in such a manner as will not interfere with the usual travel on any public way.
2. In case of disturbance of any street, sidewalk, alley, public way, or paved area, the licensee shall, at its own cost and expense and in a manner approved by the Public Works Department replace and restore such street, sidewalk, alley, public way, or paved area in as good a condition as before the work involving such disturbance was done.
3. If at any time during the period of a license the City shall lawfully elect to alter or change the grade of any street, sidewalk, alley, or other public way, the licensee, upon reasonable notice by the City, shall move, remove, or adjust its poles, wires, cables, underground conduits, manholes, and other fixtures at its own expense.
4. The licensee shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal or raising or lowering of wires shall be paid by the person requesting the same, and the licensee shall have the authority to require such payment in advance. The licensee shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary wire changes.
5. The licensee shall have the authority to trim trees upon, and overhanging, streets, alleys, sidewalks, and public ways and places of the city so as to prevent the branches of such trees from coming in contact with the wires and cables of the Licensee. Such trimming work shall be done by the licensee at its own expense, and it shall be subject to the prior approval and inspection of the City.
6. In all sections of the city where the cables, wires or other like facilities of public utilities are placed underground, either by

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voluntary action on the part of any utility or by requirement of existing or subsequent statute, ordinance or other enactment of law the licensee shall place its cables, wires, or other like facilities underground, without cost to city and without right to any reimbursement from the City of Hialeah for any costs incurred by the licensee.

Section 11. TERMINATION OF SERVICE REFUNDS

(a) If any subscriber of the licensee of less than three years terminates his subscription because of the Licensee's failure to render service of the type and quality provided for herein, or if the licensee terminates service to a subscriber of less than three years without good cause or because the licensee ceases to operate the CATV business authorized hereunder for any reason except expiration of a license granted hereunder, the licensee shall refund to such subscriber that portion of the initial tap-in and connection charges paid by the subscriber representing the unused remainder of the three year period, determined by pro-rating to the date of notice of termination on a month-unit basis.

(b) Upon termination of service to any subscriber the licensee shall promptly remove all its facilities and equipment from the premises of the subscriber upon his request.

Section 12. FLOW-THROUGH OF REFUNDS

If during the term of a license granted hereunder, the licensee receives refunds of any payments made for television or radio signals, it shall without delay notify the City, suggest a plan for flow through of the refunds to its subscribers and retain such refunds pending order of the City. After considering the plan submitted by the licensee, the City shall order the flow through of the refunds to the licensee's subscribers in a fair and equitable manner.

Section 13. LIABILITY AND INDEMNIFICATION

(a) The licensee shall pay all damages and penalties which the City may legally be required to pay as a result of the license granted hereunder. These damages or penalties shall include, but shall not be limited to, damages arising out of copyright infringements and all other damages arising out of the installation, operation, or maintenance of the CATV System authorized herein, whether or not any act or omission complained of is authorized, allowed, or prohibited by this Ordinance.

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(b) The licensee shall pay all expenses incurred by the City in defending itself with regard to all damages and penalties mentioned in (a) above. The expenses shall include all incidental expenses, including attorney fees, and shall also include the reasonable value of any services rendered by the City Attorney or his assistants or by any employee of the City.

(c) The licensee shall maintain and pay for liability insurance insuring the City and the licensee with regard to all damages charged against the City and the licensee resulting from the installation, development, maintenance or expansion of the CATV system authorized by this ordinance in the following amounts:

- (1) One hundred thousand dollars (\$100,000) for bodily injury or death to any one person, with an aggregate limit for any one occurrence of three hundred thousand dollars (\$300,000) for bodily injury or death.
- (2) Fifty thousand dollars (\$50,000) property damage resulting from any one accident.
- (3) Automobile liability insurance covering all owned, non-owned and hired vehicles used in connection with the licensee's work in amounts as indicated in (1) and (2) above.
- (4) Contractual liability insurance covering all liability arising out of the terms of the license agreement.
- (5) Workmen's compensation insurance as required by Chapter 440, Florida Statutes.
- (6) Fifty thousand dollars (\$50,000) for infringement of copyright.
- (7) Broadcasters Liability, including infringement of copyright, with a single limit of liability no less than \$300,000.

(d) The licensee shall maintain throughout the term of its license a faithful performance bond with a surety approved by the City in the penal sum of \$25,000 upon the condition that the licensee shall truly observe, fulfill and perform each term and condition of this ordinance and his license and that, in case of any breach of condition of the bond, the amount thereof shall be recoverable from the principal and surety thereof by the City for all damages resulting from the failure of the licensee to well and faithfully observe and perform any provision of this ordinance or the license issued hereunder.

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Section 16. OWNERSHIP, CONTROL, TRANSFER OF LICENSE

(a) The licensee shall at all times be the sole owner of all the facilities and property, real and personal, of the CATV business operating under license issued by the City of Hialeah.

(b) Any change of ten percent or more of the ownership of the licensee's business shall be submitted to the City for prior approval. By its acceptance of a license under this ordinance the licensee specifically acknowledges and agrees that any such change in ownership and control occurring without prior approval of the City shall constitute a violation of the terms of the license, and render it subject to cancellation at the discretion of the City.

(c) No assignment of any license granted hereunder shall be valid and effective to transfer any interest or to bind the City without prior approval of the City. In considering any request for transfer of license the City may require such information, records, books of accounts, or other data as it may deem necessary and proper to evaluate the qualifications of the proposed assignee. The decision of the City in approving or denying the proposed transfer shall be final; however, the City will not unreasonably withhold approval.

Section 17. AUDIT, BOOKS AND RECORDS

(a) The licensee hereunder shall maintain books or records of accounts, which shall be annually audited by a certified public accountant, and said audit shall be submitted to the City. The city shall have the right, at any time, at the expense of the City, to cause an audit to be made of the said licensee, within the public interest.

(b) The licensee shall file with the Public Works Department of the City of Hialeah true and accurate maps or plats of all existing and proposed installations.

(c) The licensee shall file annually with the Public Works Department of the City of Hialeah not later than sixty days after the end of the licensee's fiscal year a copy of its report to its stockholders, as well as so much of the books of account of the licensee as are necessary for independent ascertainment of the gross income from operations of the licensee by the City or its agent.

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(d) The licensee shall keep on file with the City a current list of its shareholders and bondholders, if a corporation. If not a corporation, then a record of the appropriate ownership percentages in the licensee shall be so filed.

Section 18. FILINGS AND COMMUNICATIONS WITH REGULATORY AGENCIES

Copies of all petitions, applications and communications submitted by the licensee to an agency having jurisdiction in respect to any matters affecting CATV operations authorized pursuant to a license granted under this ordinance, shall also be submitted simultaneously to the City.

Section 19. FORFEITURE OF LICENSE

(a) In addition to all other rights and powers of the City by virtue of a license granted under this ordinance or otherwise, the City reserves the right to terminate and cancel a license granted under this ordinance and all rights and privileges of the licensee hereunder in the event that the licensee:

1. violates any provision of a license granted hereunder, or any rule, order or determination of the City made pursuant to a license granted under this ordinance, except where such violation, other than under Section 16 or Subsection (b) below, is without fault of the licensee or occurs through excusable neglect;
2. becomes insolvent, unable or unwilling to pay its debts or is adjudged a bankrupt;
3. attempts to dispose of any of the facilities or property of its CATV business to prevent the City from recovering any payments due or any losses or damages arising out of the license.
4. Attempts to evade any of the provisions of a license granted hereunder or practices any fraud or deceit upon the City;
5. fails to begin, or to complete, construction under a license granted hereunder before such time limitation established herein.

(b) After a license is granted under this ordinance and if licensee fails to maintain the minimum reception standards as herein set forth or fails to abide by the terms and conditions of this ordinance, after reasonable notice by the City, said licensee may be subject to having its license cancelled by the City, who shall notify the licensee of the time and place of a meeting of the Council of the City of Hialeah at which the cancellation

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of said license shall be considered. The licensee shall have an opportunity, in person or by attorney, to defend or explain its position to said City and may offer witnesses or evidence in support of its position.

(c) Termination and cancellation of license shall be by resolution and shall in no way affect any of the City's rights under a license granted under this ordinance or any provision of law. In the event that such termination and cancellation depends upon a finding of fact, such finding of fact shall be made by the City Council.

Section 20. CITY'S RIGHT OF INTERVENTION

The licensee shall agree not to oppose intervention by the City in any suit or proceedings to which the licensee is a party.

Section 21. FURTHER AGREEMENT AND WAIVER BY LICENSEE

The licensee shall agree to abide by all provisions of a license granted under this ordinance and further that he will not at any future time set up as against the City that the claim that the provisions of the license are unreasonable, arbitrary, or void.

Section 22. PENALTY

Any person, firm or corporation violating any of the provisions of this ordinance, upon conviction thereof shall be punished by a fine not exceeding five hundred (\$500.00) dollars, or by imprisonment for a term not to exceed ninety (90) days, or by both such fine and imprisonment, within the discretion of the Municipal Court.

Section 23. SEVERABILITY

In the event any section, sub-section, paragraph, clause or sentence herein shall be declared unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not affect the remaining provisions hereof which shall remain in full force and effect.

Section 24. CONFLICT

All laws or parts of laws in conflict herewith are hereby repealed to the extent of conflict or inconsistency.

Section 25. It is the intention of the City, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of

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Hialeah, Florida; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 26. The provisions of this ordinance shall become effective ten (10) days after the date of the enactment.

PASSED AND ADOPTED: this 22 day of June, 1971.

ATTEST: James H. Goodlet /s/
City Clerk

APPROVED: Charles A. Whiteacre /s/
Acting Mayor

RESOLUTION NO. 79-11

RESOLUTION OF THE MAYOR AND CITY COUNCIL
FOR THE CITY OF HIALEAH, WELCOMING DYNAMIC
CABLEVISION OF FLORIDA, INC., TO THE CITIZENS
AND CITIZENRY OF THE CITY OF HIALEAH, FLORIDA.

WHEREAS, Dynamic Cablevision of Florida, Inc., has been authorized by Ordinance No. 2466, to provide cable television service to the City of Hialeah; and

WHEREAS, Dynamic Cablevision of Florida, Inc., has erected a tower, antennas and earth receiving terminal and established an office, engineering headquarters and studio at 4586 Palm Avenue, in Hialeah; and

WHEREAS, Dynamic Cablevision of Florida, Inc., will begin cable television service in our City on March 3, 1979; and

WHEREAS, Dynamic Cablevision of Florida, Inc., has, at the request of the Mayor and Council of the City of Hialeah, made possible a thirty day introductory rate for charter subscribers and local programs and services in Spanish as well as English.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA:

That the Mayor and City Council for the City of Hialeah hereby welcome Dynamic Cablevision of Florida, Inc., as an additional amenity to the many we already enjoy, living here in the City of Hialeah.

PASSED and ADOPTED this 27th day of February, 1979.

APPROVED: Dale G. Bennett /s/
Mayor

ATTEST: James H. Goodlet /s/
City Clerk

APPROVED AS TO FORM [Signature]

City Attorney

APPROVED: Ralph F. Miles /s/
Council President

RESOLUTION adopted by a unanimous vote with Councilmen Brown, Hodges, Martinez, Mejides, Robinson, Weaver and Wilde voting "Yes."

RESOLUTION NO. 78-74

RESOLUTION ISSUING LICENSE AND FRANCHISE TO DYNAMIC CABLEVISION OF FLORIDA, INC. TO CONSTRUCT, MAINTAIN AND OPERATE A COMMUNITY ANTENNA TELEVISION SYSTEM WITHIN THE INCORPORATED LIMITS OF THE CITY OF HIALEAH, FLORIDA.

WHEREAS, Dynamic Cablevision of Florida, Inc., presently holds valid authority granted by the City of Hialeah to maintain and operate a community antenna television system within the incorporated limits of the City of Hialeah, subject to the provisions of Ordinance No. 2466 of the City of Hialeah, as amended; and

WHEREAS, it has come to the attention of the Council that the form of permit, license or franchise may be ambiguous and it is the intent of the Council by this resolution to grant and unanimously issue the required permit, license, or franchise; and

WHEREAS, Dynamic Cablevision of Florida, Inc. is in full compliance with all requirements precedent to the issuance of a permit, license and franchise.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA:

Section 1. Grant of Permit, License and Franchise. Dynamic Cablevision of Florida, Inc. be, and it is hereby granted a non-exclusive permit, license and franchise to construct, maintain and operate a community antenna television system within the incorporated limits of the City of Hialeah. It is the intent of this resolution to confer upon Dynamic Cablevision of Florida, Inc., such permit, license, or franchise as may be required by Ordinance No. 2466, as amended by Ordinance No. 2779.

Section 2. Term: The term of this permit, license and franchise shall be for ten (10) years from the date of this resolution, subject to Dynamic Cablevision of Florida, Inc.'s right to exercise an option to renew this permit, license, or franchise for an additional period of ten (10) years as authorized by Ordinance No. 2466, Section 3.

PASSED and ADOPTED this 12th day of September, 1978.

APPROVED: Dale G. Bennett /s/
Mayor

ATTEST: James H. Goodlet /s/
City Clerk

APPROVED AS TO FORM:

Carly Mule
City Attorney

RESOLUTION adopted by a unanimous vote with Councilmen Brown, Hodges, Martinez, Mejides, Robinson, Weaver and Wilde voting "Yes."

ORDINANCE NO. 78-50

ORDINANCE CONFIRMING THE AUTHORITY OF DYNAMIC CABLEVISION OF FLORIDA, INC., TO MAINTAIN AND OPERATE A COMMUNITY ANTENNA TELEVISION SYSTEM WITHIN THE INCORPORATED LIMITS OF THE CITY OF HIALEAH, FLORIDA; EXTENDING CERTAIN TIME LIMITATIONS SPECIFIED IN ORDINANCE NO. 2466 OF THE CITY OF HIALEAH, AS AMENDED, BY THE FURTHER AMENDMENT THEREOF; FURTHER AMENDING SECTION 6 OF ORDINANCE NO. 2466, AS AMENDED; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTY FOR THE VIOLATION HEREOF.

WHEREAS, Dynamic Cablevision of Florida, Inc., presently holds valid authority granted by the City of Hialeah, Florida, to maintain and operate a community antenna television system within the incorporated limits of the City of Hialeah, subject to the provisions of Ordinance No. 2466 of the City of Hialeah, as amended; and

WHEREAS, the City of Hialeah continues to desire that Dynamic Cablevision of Florida, Inc., maintain and operate a community antenna television system within the incorporated limits of the City of Hialeah; and

WHEREAS, it is the purpose of this Ordinance, which confirms the authority of Dynamic Cablevision of Florida, Inc., to maintain and operate a community antenna television system within the incorporated limits of the City of Hialeah, to extend the time limitations specified in said Section 14 of Ordinance No. 2466, as amended, and to further amend the provisions of Section 6 of Ordinance No. 2466, as amended by Ordinance No. 2779.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA:

Section 1. EXTENSION OF TIME. Section 14 of Ordinance No. 2466, as amended, presently reads as follows:

"Section 14. TIME LIMITATIONS
The Licensee hereunder shall, within sixty (60) days after the issuance of said license, apply to the Federal Communications Commission for any required permits or licenses and shall begin service within six months from the time of the receipt of such permits and licenses, and any other necessary approvals. Failure of the Licensee to comply with this requirement shall void its license without further proceedings. The City may grant extensions of said time limitations, at its discretion."

Section 14 of Ordinance No. 2466, as amended, is hereby amended to read as follows:

"Section 14. TIME LIMITATIONS
The Licensee hereunder shall promptly after the issuance of said license apply to the Federal Communications Commission for any required permits or licenses and shall, within ninety (90) days of issuance to it by the Federal Communications Commission of such required permits or licenses, or of issuance to it by Dade County, Florida, of all permits and licenses necessary to its maintenance and operation of a community antenna television system within the incorporated city limits of the City of Hialeah, Florida, whichever occurs later, commence construction of such community antenna television system. The Licensee shall commence rendering service to subscribers within six months of commencement of such construction. Failure of the Licensee to comply with this requirement shall void its license without further proceedings. The City may, however, grant extensions of said time limitations, at its discretion."

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Section 2. AMENDMENT TO SECTION 6 OF ORDINANCE NO. 2466,
AS AMENDED BY ORDINANCE NO. 2779.

Section 6 of Ordinance No. 2466, as amended by Ordinance No. 2779, is hereby repealed and the following provision shall apply in lieu thereof:

"SECTION 6. SERVICE CHARGES
Rates charged by the licensee shall be filed annually with the City. No increase in established rates by the Licensee shall become effective until at least thirty days written notice is given to the City and to all customers served by the Licensee. The Licensee may at any time reduce the established rates."

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Any person, firm or corporation convicted of violating the provisions of this ordinance shall be punished by a fine, not exceeding \$500.00, or by a jail sentence, not exceeding sixty days, or both, in the discretion of the County Court.

PASSED and ADOPTED this 9th day of May,
1978.

APPROVED: Dale G. Bennett /s/
Mayor

ATTEST: James H. Goodlet /s/
City Clerk

ORDINANCE adopted by a unanimous vote with Councilmen Brown, Hodges, Martinez, Mejides, Robinson, Weaver and Wilde voting "Yes."

ORDINANCE NO. 2779

ORDINANCE AMENDING ORDINANCE NO. 2466 AUTHORIZING THE GRANTING OF NON-EXCLUSIVE RIGHTS, PRIVILEGES AND PERMITS TO CONSTRUCT, MAINTAIN AND OPERATE COMMUNITY ANTENNA TELEVISION SYSTEMS WITHIN THE INCORPORATED LIMITS OF THE CITY OF HIALEAH; PROVIDING FOR THE PERIOD OF SAID PERMITS AND EXTENSIONS THEREOF; PROVIDING FOR FEES, SERVICE CHARGES AND LEVELS OF SERVICE THEREFOR, PRESCRIBING CONDITIONS AND PROVISIONS RELATING THERETO, PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTY FOR THE VIOLATION HEREOF.

WHEREAS, on June 22, 1971, the Mayor and City Council of the City of Hialeah enacted Ordinance No. 2466, authorizing the granting of non-exclusive rights, privileges and permits to construct, maintain and operate community antenna television systems within the incorporated limits of the City of Hialeah; providing for the period of said permits and extensions thereof, providing for fees, service charges and levels of service therefor, prescribing conditions and provisions relating thereto, providing for inclusion in the code, and providing for effective date; and

WHEREAS, on 10/24/73, said Ordinance No. 2466 was amended by the enactment of Ordinance No. 2661.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA:

Section 1: PURPOSE It is the purpose of this Ordinance to amend Sections 6, 8 and 16 (a) of Ordinance No. 2466.

Section 2: AMENDMENT TO SECTION 6 OF ORDINANCE NO. 2466--
SERVICE CHARGES

The rates specified in Section 6 of Ordinance No. 2466 to be charged by the licensee for CATV service are hereby declared to be void and of no effect and the following rates shall apply in lieu thereof:

Initial Installation Fee - Lead-in length 100 feet or less,	\$ 10.00
Additional lead-in length per foot	.15
Monthly service charge - Single residential or other unit	6.50
Each additional outlet for transient or seasonal occupancy	1.50
Each additional outlet for permanent occupancy	1.00

Section 3. AMENDMENT TO SECTION 8 OF ORDINANCE NO. 2466 --
PROHIBITION OF CERTAIN ACTIVITIES

The licensee shall not engage in the following activities without prior approval of the City;

(c) Pay TV -- Is hereby repealed.

ORDINANCE NO. 2779
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Section 4: AMENDMENT TO SECTION 16 OF ORDINANCE NO. 2466--
OWNERSHIP, CONTROL, AND TRANSFER OF LICENSE

- (a) The licensee shall be sole owner of all facilities and property, real and personal,

is hereby repealed.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. Any person, firm or corporation convicted of violating the provisions of this ordinance shall be punished by a fine, not exceeding \$500.00, or by a jail sentence, not exceeding 60 days, or both, in the discretion of the Municipal Court.

Section 7. Inclusion in Code. The provisions of this ordinance shall be included and incorporated in the Code of the City of Hialeah, Florida, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

PASSED and ADOPTED this 24th day of July, 1973.

APPROVED: Henry Milander /s/
Mayor

ATTEST: James H. Goodlet /s/
City Clerk

ORDINANCE NO. 2661

ORDINANCE AMENDING ORDINANCE NO. 2466 AUTHORIZING THE GRANTING OF NONEXCLUSIVE RIGHTS, PRIVILEGES, AND PERMITS TO CONSTRUCT, MAINTAIN AND OPERATE COMMUNITY ANTENNA TELEVISION SYSTEMS WITHIN THE INCORPORATED LIMITS OF THE CITY OF HIALEAH; PROVIDING FOR THE PERIOD OF SAID PERMITS AND EXTENSIONS THEREOF, PROVIDING FOR FEES, SERVICE CHARGES AND LEVELS OF SERVICE THEREFORE, PRESCRIBING CONDITIONS AND PROVISIONS RELATING THERETO, PROVIDING FOR INCLUSION IN THE CODE, PROVIDING FOR EFFECTIVE DATE, AND PROVIDING PENALTY FOR THE VIOLATION HEREOF.

WHEREAS, on June 22, 1971, the Mayor and City Council of the City of Hialeah enacted Ordinance No. 2466 authorizing the granting of nonexclusive rights, privileges, and permits to construct, maintain and operate community antenna television systems within the incorporated limits of the City of Hialeah; providing for the period of said permits, and extensions thereof, providing for fees, service charges and levels of service therefor, prescribing conditions and provisions relating thereto, providing for inclusion in the code, and providing for effective date; and

WHEREAS, the Federal Communications Commission on March 31, 1972 adopted Rule 76.31 which sets forth Federal standards and requirements for all local franchises for cable television service; and

WHEREAS, certain provisions of Ordinance No. 2466 are presently inconsistent with the provisions of Rule 76.31; and

WHEREAS, the City of Hialeah, by letter dated April 4, 1972 to the Federal Communications Commission indicated its awareness of the requirements of Rule 76.31 and that amendments to Ordinance No. 2466 would be enacted to meet the Federal requirements;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA:

Section 1: PURPOSE:

It is the purpose of this Ordinance to amend Sections 5, 7 (a), 7 (b),

ORDINANCE NO. 2661
PAGE TWO

8 (c) and 9 (g) of Ordinance No. 2466 to make it fully consistent with the requirements of Rule 76.31 of the Federal Communications Commission.

Section 2: AMENDMENT TO SECTION 5 OF ORDINANCE NO.
 2466 - - LICENSE FEE AND PUBLIC PROPERTY
 CHARGE;

Section 5 of Ordinance No. 2466 is hereby repealed and the following provisions shall apply in lieu thereof:

The Licensee shall pay to the City of Hialeah, for the license granted, the use of public property and rights of way within which the Licensee's distribution system shall be placed, and the costs to the City to administer its regulatory program of Licensee's cable operations, three (3) per cent of the annual gross subscriber revenues received by the Licensee for regular subscriber services, i.e., the carriage of broadcast signals and required non-broadcast services.

Section 3: AMENDMENT TO SECTION 7 OF ORDINANCE NO.
 2466;

Subparagraphs (a) and (b) of Section 7 of Ordinance No. 2466 are hereby repealed. Subparagraphs (c) and (d) of said Section 7 are re-numbered (a) and (b).

Section 4: AMENDMENT TO SECTION 8 OF ORDINANCE NO.
 2466;

Subparagraph (c) of Section 8 of Ordinance No. 2466 is hereby repealed.

Section 5: AMENDMENT TO SECTION 9 OF ORDINANCE NO.
 2466;

Subparagraph (g) of Section 9 of Ordinance No. 2466 is amended by the following additional provision:

Any complaints from subscribers regarding the quality of service, equipment malfunctions, and similar matters shall be acted upon as soon as possible, but at least within three business days of their receipt.

ORDINANCE NO. 2661
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Section 6: Inclusion in Code. The provisions of this ordinance shall be included and incorporated in the Code of the City of Hialeah, Florida, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 7:

The provisions of this ordinance shall become effective ten (10) days after the date of the enactment.

Section 8:

Any person, firm or corporation convicted of violating the provisions of this ordinance shall be punished by a fine, not exceeding \$500.00 or by a jail sentence, not exceeding 60 days, or both, in the discretion of the Municipal Court.

PASSED and ADOPTED this 21 day of October, 1972.

APPROVED: Henry Milander /s/
Mayor

ATTEST: James H. Goodlet /s/
City Clerk